

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES G. BARNES,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:10CV1705 HEA
	)	
JAMES HURLEY,	)	
	)	
Respondent,	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on the Order and Report and Recommendation, of Magistrate Judge Thomas C. Mummert, III that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed as untimely. Petitioner has not filed any objections to the Report and Recommendation within the prescribed time period.

After careful consideration, the Court will adopt and sustain the sound reasoning of Judge Mummert as set forth in his Order and Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's petition for writ of habeas

corpus is denied.

A separate judgment is entered this same date.

Dated this 7th day of November, 2013.

A handwritten signature in black ink, reading "Henry Edward Autrey". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE